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Freedom of expression, deliberation, autonomy and respect

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Abstract

This paper elaborates on the deliberative democracy argument for freedom of expression in terms of its relationship to different dimensions of autonomy. It engages the objection that Enlightenment theories pose a threat to cultures that reject autonomy and argues that autonomy-based democracy is not only compatible with but necessary for respect for cultural diversity. On the basis of an intersubjective epistemology, it argues that people cannot know how to live on mutually respectful terms without engaging in public deliberation and developing some degree of personal autonomy. While freedom of expression is indispensable for deliberation and autonomy, this does not mean that people have no obligations regarding how they speak to each other. The moral insights provided by deliberation depend on the participants in the process treating one another with respect. The argument is related to the Danish cartoon controversy.

Keywords

autonomy, Danish cartoon controversy, deliberative democracy, freedom of expression, liberalism, respect

Freedom of expression has become a central battlefield in multicultural societies, as seen most dramatically in the recent Danish cartoon controversy. A core argument for freedom of expression is its indispensability for democracy. The cartoons of the Prophet Muhammad published by a Danish newspaper in 2005, and attracting enormous international attention and protests in 2006 and again in 2008, were also defended, *inter alia*, with reference to the idea that vigorous public debate is a prerequisite for democracy. The principle of near absolute freedom of expression might be perceived as being in conflict with an equally important principle of

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respect for difference. This conflict corresponds to arguments in liberal political theory concerning the relationship between autonomy and respect, enlightenment and tolerance. During the cartoon controversy, a number of Danish Muslims pitted a demand for respect for their religious feelings against *Jyllands-Posten's* right to publish the cartoons,¹ while some defenders of the cartoons insisted that respect for religion is incompatible with freedom of expression.

This paper considers the role of free expression in deliberative democracy. The deliberative model of democracy is of particular interest in connection to the alleged conflict between freedom of expression and autonomy on the one hand and respect and religious feelings on the other hand for two reasons. First, the link between free expression and democracy is stronger in the deliberative model than in other models of democracy. Second, autonomy is a key principle in deliberative democracy in a way that it is not in other models of democracy. Is deliberative democracy a form of autonomy-based theory and practice that does not show sufficient concern for the principle of respect for diversity? Is the idea that political decisions should be justified in common deliberation hostile to cultural diversity? To what extent does public deliberation require autonomous preference formation and to what extent, if at all, is that incompatible with respect for cultures that do not value autonomy?

Freedom of expression and deliberative democracy

Freedom of expression is often justified with reference to its connection to democracy. In order to show an *internal relationship* between democracy and freedom of expression, however, not just any conception of democracy will do.² I shall argue that the relationship between free expression and democracy is particularly robust in the deliberative conception of democracy. The reason why the latter presupposes freedom of expression is that it is a conception of democracy that embodies ideals of autonomy. Deliberative democracy not only presupposes an ideal of political autonomy, it also prescribes a procedure for individuals to develop autonomous understandings of their own political preferences.

In order for 'democracy' to provide a secure foundation for freedom of expression, it cannot be defined *merely* as a form of government in which the present majority has its desires implemented. Critics of the democracy argument argue that, as a right, freedom of expression restrains the ability of the majority to do as it likes, and therefore a conflict exists between freedom of expression and democracy as majority rule.³ Even if democracy requires that decisions must ultimately be made by the majority, however, this is no reason to identify democracy with implementing whatever desires the present majority has, for this might make it difficult for new majorities to form in the future.⁴ For example, if the majority decides to prohibit criticism of its own policies, democratic elections will no longer be possible because the people will lack the basis for deciding who to vote for in the future. If democracy is the fundamental *ideal* we wish to protect and promote, it can hardly be used to justify laws that undermine its own future possibility.

The problem with majoritarian conceptions of democracy is that they confuse a technical decision-making procedure with an intrinsic value.⁵

A stronger democracy argument is one that sees popular sovereignty as the ideal to strive for and that holds that, if the people are free to express their beliefs and values, they will actually be able to rule themselves.⁶ This justification of freedom of expression is based on a conception of autonomy, namely the *political autonomy* of being subject only to laws that one has been able to participate in the making of. To understand what political autonomy means and how freedom of expression is a prerequisite for its exercise, we must elaborate the argument that democracy cannot be *identified* with majority rule. To begin with, we cannot reduce the democratic process to an exercise of *will*. If we regard democracy as a form of government in which the majority decides on the basis of its given preferences, political autonomy exercised by citizens in common becomes impossible, and democracy and freedom of expression can indeed come into conflict. It makes no sense to speak about collective autonomy when legitimate law is seen as nothing but the expression of the will of the majority, because the minority will lack any opportunity to influence law and thus will be heteronymous under those conditions.

Freedom of expression can be shown to be internally connected to democracy only when the latter is understood as not only being about voting but also about *forming one's opinion* about how to vote. The people can be seen as collectively autonomous only if the laws are not merely an expression of the will of the majority but are also influenced by the opinions of the minority. Political autonomy is not expressed in the moment of decision in isolation but over time when majorities change and when the decisions have also been influenced by the minority.⁷ Furthermore, the key to the legitimate change of majorities and the minority exercising influence on decisions is exactly that the majority cannot prohibit the expression of certain opinions. The medium through which the people can collectively participate in the making of the law is not the vote (where only some can actually be seen as subject to their own will), but *public deliberation* in which everyone in principle can influence everyone else and gain some influence on the final result.

This is an argument for freedom of expression that relies on a model of democracy that is not concerned 'simply to implement existing desires',⁸ but rather to 'ensure the fullness and richness of public debate'.⁹ The core of democracy is not merely that the people govern themselves but that they do so 'reflectively and deliberately'.¹⁰ Freedom of expression is a prerequisite for the entire people to be able to influence decision-making but also a means for *each* citizen to develop a form of *internal autonomy* that lies in reflectively forming the political opinions she expresses in the democratic process.¹¹ When political autonomy is perceived to require processes of reflective opinion formation, then there is no longer a conflict between democracy and freedom of expression. Freedom of expression is justified not as a prerequisite for the majority getting its way but with reference to what is required for a legitimate process of opinion and will formation. A legitimate democratic process requires that only 'relevant preferences and convictions'

influence political outcomes,¹² i.e. preferences and convictions formed on the basis of the best reasons or autonomously.

I have argued that one can show an internal relationship between democracy and freedom of expression with a model of democracy that embodies ideals of political autonomy and the autonomous formation of political opinions.¹³ This is the deliberative model of democracy. I believe (and have argued elsewhere) that the best way to understand deliberative democracy is to regard it as incorporating dimensions of collective and individual freedom and autonomy in a manner unlike any other model of democracy.¹⁴ A core aspect of deliberative democracy is that the democratic process should not merely aggregate given preferences but promote the conditions of reflective and autonomous opinion and will formation. Moreover, the aim of public deliberation is not simply to find a compromise that is acceptable for the majority of citizens, but rather to find arguments that *everyone* can accept. The legitimacy of political decisions lies in their being a product of a process in which everyone was able to take part and contribute with their viewpoints. Majority decisions are necessary, but only as a technical decision-making procedure; the ideal to be promoted is that everyone influences law-making and exercises their political autonomy in common deliberation.¹⁵

Respect versus autonomy

We have seen that one way for the democracy argument for freedom of expression to succeed is to make it with reference to a conception of democracy that has autonomy as a central principle, and that deliberative democracy is such a conception. As a result of the increased awareness of the importance of cultural diversity among political theorists, theories based on the principle of autonomy have now come under attack. Political liberals such as John Rawls and Charles Larmore reject justifying liberal principles on the basis of comprehensive conceptions of autonomy;¹⁶ liberal pluralists such as William Galston hold that liberalism must not take sides with autonomy and reflection and against tradition and faith;¹⁷ and libertarian Chandran Kukathas insists that the state has no business in promoting a value such as autonomy, which many people do not regard to be part of their conception of the good.¹⁸

The criticism of autonomy-based political theories begins from the empirical premise that not everyone in multicultural societies shares a commitment to autonomy. It goes on to argue that the value of autonomy is something about which reasonable people disagree. Autonomy-based theories are therefore sectarian and fail to show respect for members of cultures which do not see autonomy as a core value. Such theories are sometimes connected to the Enlightenment project of critical reflection and criticism of tradition and religion. According to Galston, 'Autonomy-based arguments are bound to marginalize those individuals and groups who cannot conscientiously embrace the Enlightenment project.'¹⁹ Joshua Cohen has criticized theories that justify freedom of expression on the basis of autonomy. He rejects the argument 'that expression always trumps other values

because of its connection with autonomy', for 'this suggests that a commitment to freedom of expression turns on embracing the supreme value of autonomy. But this threatens to turn freedom of expression into a sectarian political position.' It is sectarian because 'the idea that autonomy is the fundamental human good [is] an idea about which there is much reasonable controversy'.²⁰

Do these objections to autonomy-based theories apply to deliberative democracy in general and to the deliberative democratic defence of freedom of expression in particular? The objections can be divided between (1) sectarianism in autonomy-*justifications* of a norm, e.g. freedom of expression, and (2) disrespect caused by the *application* of a norm, e.g. freedom of expression, justified with reference to autonomy. I would like to relate this question to the Danish cartoon controversy. In the Danish public debate about the cartoons in 2005–6, freedom of expression was repeatedly defended with (vague) references to the values of the Enlightenment. While there were no direct rejections of these values among Danish Muslims, the core norm they appealed to was respect, and particularly respect for religious feelings.²¹ Thus, at least from a superficial perspective, there is reason to describe the conflict as one between enlightenment and tolerance, autonomy and respect. The more specific question that the cartoon case raises in relation to deliberative democracy is whether the way in which autonomy is presupposed by deliberative democracy justifies (and even encourages) disrespect for religious feelings. In other words, is the conception of autonomy presupposed by deliberative democracy and in deliberative democratic justifications for freedom of expression incompatible with respect for diversity? In order to respond to this question, we must further analyse to the conception of autonomy to which deliberative democracy is – or should be – committed. And we must clarify exactly what role autonomy plays in the theory and how this relates to expression. Once that is done, we can consider whether this understanding of autonomy is the same that many have objected to and whether or not it is objectionable.

What kind of autonomy is presupposed by deliberative democracy?

The manner in which autonomy is presupposed by the ideal of deliberative democracy is complex. One approach is to begin with the idea that deliberative democracy is tied to the notion of the common good. According to Cohen, deliberative democracy is 'a democratic association in which public debate is focused on the common good of its members',²² i.e. it is an association in which the members are committed to finding decisions promoting the legitimate ends of everyone. In Habermas's terms, the aim that has priority in democratic deliberation is to find solutions that are 'equally good for all' or 'in the equal interest of all'.²³

I would like to suggest that the notion of the common good as understood in deliberative democracy makes the latter committed, at a basic level, to the idea of *moral* autonomy, as exercised in common. I distinguish here between moral and personal autonomy. Personal autonomy regards one's own good; how one chooses

or endorses one's life plan, goals and aims; and how one interprets one's needs and interests. Moral autonomy concerns 'the relation between one person's pursuit of his own ends and others' pursuit of theirs'.²⁴ Moral autonomy is not about what is good for me but about what can be universalized. Thus, while personal autonomy is about the individual good – about whether it has been reflectively endorsed – moral autonomy is about the common good and how it has been determined and justified.

It is therefore misguided to object that deliberative democracy is wrong because it promotes a specific conception of the good life, for the conception of autonomy it is committed to does not pertain to what the good life is, but rather to what is equally good for all – given that people have different ideas about what is good for them individually. Any objection would have to be committed to the idea that it is wrong to aim at what is equally good for all *in a critical-reflective way*. Deliberative democracy does not – or at least need not – rely on autonomy as a conception of the individual good but only on autonomy as the way in which we determine the common good and become subject to the norms that this requires, i.e. on moral autonomy exercised in common.²⁵

It is possible, however, that, in order for people to be morally autonomous, they must also be at least minimally personally autonomous. Gerald Gaus has argued that the latter is indeed the case.²⁶ In order to be morally autonomous, one must be able to distinguish between what is good for oneself (or what are reasons for me), and what is good for everyone (or what are reasons for everyone). People must be capable of self-reflection and role-taking in order to understand that other people do not share their conception of the good and in order to respect them equally. What is equally good for all or what constitutes good moral reasons is open-ended, for which reason 'liberal citizens have an ongoing commitment to examine proposed justifications and enter into justificatory argument'.²⁷ Deliberative democrats such as Habermas agree with Gaus about the importance of role-taking and that moral reasons are open-ended. Deliberation can contribute to finding the best reasons, reasons that are justifiable to everyone under conditions where no force is involved other than that of the better argument, only if participants are able and willing to consider the world from the perspective of others and transcend their own particular worldview. Deliberation requires that everyone

...take the perspective of everyone else and thus to project herself into the understandings of self and world of all others; from this interlocking of perspectives there emerges an ideally extended 'we perspective' from which all can test in common whether they wish to make a controversial norm the basis of their shared practice.²⁸

How does the conception of autonomy presupposed by the idea that deliberation should aim at the common good relate to the aspects of autonomy emphasized in the discussion of freedom of expression? I previously emphasized the idea of political autonomy and autonomous formation of political opinions. Now I suggest that the reason why deliberative democrats stress – or rather the reason why they should

stress – the importance of autonomous opinion and will formation is that it is the only way people can reach an understanding of what is equally good for all. Thus, autonomous opinion formation is not an end in itself but rather a prerequisite for reaching just decisions: people must be able to distinguish what is good for each from his or her perspective and what is equally good for all, which requires self-reflection or at least a minimal degree of personal autonomy. In short, personal autonomy is needed for moral autonomy, which is again needed for and part of political autonomy.²⁹ The idea of the common good also relates to the argument that democracy is an ideal beyond simple majority rule, namely rule by everyone. Only if the aim is political decisions acceptable to all and if everyone has influence on determining what is acceptable can we expect political decisions to express the common good. I am assuming that what the common good consists of is open-ended and can be determined only by those for whom it is equally good. This latter assumption is epistemological and the subject of the next section.

Intersubjective epistemology and autonomy

I argued earlier that it is misguided to think that deliberative democracy is (or need be) committed to personal autonomy as a basic value or to promoting it as a constituent of the good life. Nevertheless, deliberative democracy must promote some degree of personal autonomy in order to achieve its aims. Deliberative democracy thus requires a *derivative* defence of the value of personal autonomy. This defence relies on the assumption (which will be further justified presently) that people can reach just decisions only through public deliberation. Just decisions depend on people exercising their political autonomy.

I will consider whether this argument is objectionable from the perspective of a principle of respect for difference. In one version of such an objection, Galston argues that deliberation as a form of moral learning can pose a threat to tolerance of religious diversity.³⁰ The limits on state power cannot, he thinks, be left to democratic deliberation; rather, they must be secured from without. In other words, he sees a conflict between the deliberative conception of political autonomy and the protection of negative freedom.³¹ It might seem as though Galston's point does not apply to my case, since he is defending negative freedom and should therefore be in favour of freedom of expression; however, the issue here is not the legal right of freedom of expression but its justification and its *use* to promote personal autonomy to the extent that this is necessary for deliberation to reach just outcomes. Galston's objection regards mainly the second form of sectarianism mentioned earlier, i.e. sectarianism in the application of a norm justified with reference to autonomy. He believes that tolerance and respect are principles that should constrain democratic deliberation and the exercise of political autonomy from the outside. I question the claim that we should regard respect and tolerance as external constraints on the democratic process. Even if we agree with the principles, without common deliberation, they are too vague to tell us how to treat others in concrete cases.

The demand for respect is a demand to be treated as an equal. But what equal treatment means and requires in specific cases is by no means given.

Consider here the defence of the Muhammad cartoons produced by the editor responsible, Flemming Rose:

We have a tradition of satire [in Denmark]... The cartoonists treated Islam the same way they treat Christianity, Buddhism, Hinduism and other religions. And by treating Muslims in Denmark as equals they made a point: We are integrating you into the Danish tradition of satire because you are part of our society, not strangers. The cartoons are including, rather than excluding, Muslims.³²

Like-minded Danes held that Muslims fail to see that 'satire and caricatures of religious and political authorities are not expressions of disrespect for or ridicule of groups because of their faith or beliefs'.³³ These members of the majority culture insist that they are not violating principles of equality and respect; however, the thing is that they take the meaning of these principles as given – and as understood by themselves but not by the Muslims claiming to be disrespected. Supporters of *Jyllands-Posten*, including Danish Prime Minister Anders Fogh Rasmussen, went so far as to state that there is nothing to be discussed here. One of the actions that led to the escalation of the crisis was Rasmussen's refusal, in October 2005, to meet with a group of diplomats from Muslim countries who had complained about the negative portrayal of Islam in the Danish public sphere.³⁴ Rasmussen told the press, 'This is a matter of principle. I won't meet with them because it is so crystal clear what principles Danish democracy is built upon that there is no reason to do so.'³⁵

Here, respect is not rejected as an irrelevant norm but rather placed outside the process of public deliberation.³⁶ What respect means was seen as given and it was subsequently denied, without discussion with the offended party, that Muslims had been disrespected by the cartoons. This demonstrates the shortcoming of regarding respect as a principle that can stand as an external constraint on the democratic process. Indeed, there might be a danger in believing that an abstract principle of respect is sufficient to constrain public deliberation. I am not denying that we need a commitment to respect before we enter into deliberation; my point is that the *meaning and implication* of this principle must be recursively determined in common deliberation by the affected parties – otherwise the interpretation of the principle will most likely be biased.³⁷

Let me present a more positive and systematic formulation of my argument regarding why the principle of respect depends on public deliberation. My argument is that we cannot *know* how to live on mutually respectful terms without engaging in common deliberation. This is an epistemological argument about how to achieve the necessary insights to live on respectful terms. I defend an intersubjective epistemology according to which, following Thomas Hill, 'moral insight is not the special endowment of any group but is something that can only emerge gradually as diverse but mutually respectful human beings engage seriously in

communication about how best to live together despite their differences'.³⁸ Note that respect figures both as a *prerequisite* for public deliberation reaching its aim of generating moral insight as well as an *outcome* of the same process: in order to know how to live on mutually respectful terms, we must treat one another with respect in the process that aims to determine these terms.³⁹ This appears paradoxical, for how can I deliberate respectfully if I can know what respectful expressions are only as a result of deliberation with those whom I might show disrespect for? Naturally, the understanding of the respect that is a prerequisite for public deliberation and the understanding resulting from deliberation cannot be the same. My suggestion is that a minimal degree of respect is required *in* deliberation in order for deliberation to result in a more adequate, full and shared understanding of respect.⁴⁰ Personal autonomy is part of this picture, too, insofar as it is required for generating moral insight, including insight into what it means and entails to treat others with respect.

The first premise of the epistemological argument is that in order to respect someone, in particular someone whose culture is foreign to me, it is not sufficient to merely recognize that she is a person in the Kantian sense. Even if the reason why I must respect someone is that she is a person (something I cannot go into here),⁴¹ I cannot respect her without *knowing* something about her as a particular or concrete person. Without some knowledge of the other's particularity, I will tend to think that I show respect for him or her by following my own culture's norms of what it means to respect others (cf. the quotes already given from the cartoon controversy).⁴²

Second, the best way to learn about others is to allow them to speak for themselves and to be open to their perspectives. The first insight that is acquired in public deliberation is how the world looks from the perspective of others. Here, we see the need for some degree of personal autonomy, namely for the capacity and openness to assume the perspective of the other. One can only take the perspective of the other by taking a step back from one's own view of the world.

Third, it is not sufficient that we have knowledge of each other as particular persons with particular understandings of respect; we must also reach an agreement on how to live together. To live on mutually respectful terms, we must agree on what this means and requires of us. In other words, we must deliberate on what is equally good for all, which requires the ability to distinguish between what are reasons for me – from the perspective of my culture – and what are reasons for others. This again requires taking a step back from and reflecting on one's own particular worldview.

Fourth, the epistemological point goes further than the idea that we only can know each others' needs and understandings of respect in common deliberation. Moreover, the argument is that we can only have a rational presumption that we have got right what it means to live on respectful terms if the agreement is a result of a procedure that sufficiently approximates some ideal conditions, namely those excluding all other forces than that of the better argument.⁴³

Fifth, there is a connection between these points and political autonomy. It follows from the intersubjective epistemology that we can know what is right only if everyone has the opportunity to influence the outcome, and that is exactly what is required by the ideal of political autonomy, as already described in relation to the deliberative democratic argument for freedom of expression. This argument also entails that people cannot know what is equally good for all and what mutual respect requires in particular cases if they do not speak for themselves and exercise political autonomy in common.⁴⁴

Regarding the relationship between autonomy and respect, the result of the analysis of an intersubjective epistemology is somewhat paradoxical. On the one hand, it has been suggested that public deliberation must be respectful to achieve its epistemic aims. On the other hand, public deliberation also requires that everyone be willing to participate in deliberation and to critically reflect on their own commitments, their culture and religion. Public deliberation to achieve its epistemic aims must be both respectful and promote personal autonomy. We are thus left with the difficult question of whether promoting autonomy and requiring self-reflection concerning one's deepest commitments is not disrespectful toward members of cultures that do not regard autonomy as a fundamental value.

Before proceeding, I must consider the objection to the epistemological argument that expressing oneself in disrespectful ways could contribute to the aim of determining what respect means and implies. In order to determine the limits of respectful expression, this objection goes, it might be necessary to go beyond these limits. Part of this objection is that constraining oneself from disrespectful expressions might prevent one from saying what is in fact not disrespectful; hence, the limits of respectful expression are set too narrowly. This objection shows that the epistemological argument requires that one does not constrain oneself unduly, but not that obvious and extreme forms of disrespectful expression can be justified. Testing the limits of deliberation can be justified on epistemic grounds, but this justification extends only to expressions around these limits and only when they are aimed at better understanding these limits.

Respectful expression and public deliberation

Deliberative democracy is internally related to freedom of expression because it is a model of democracy that presupposes autonomy. This makes it an autonomy-based theory; however, I do not think that the interesting objection is that deliberative democracy is based on autonomy as a conception of the good (as Kukathas objects to) or that the correlative justification of freedom of expression requires that one embrace 'autonomy as the fundamental human good' (as Cohen would object to). In the preceding argument, autonomy does not figure as a human good; personal autonomy is seen not as a fundamental but only as a derivative value. There is a clear priority of the right over the good, as understood by Rawls, in the

deliberative democratic view of the common good as I have described it. Citizens searching for the common good in deliberation give priority to the aim to 'specify the boundaries that men's system of ends must respect'.⁴⁵ The collective exercise of moral autonomy has been justified as internally connected to this view of the right; not as a human good that must be maximized.

Thus, I reject the notion that deliberative democracy and its justification of freedom of expression is sectarian. The standing objection holds that it is disrespectful to aim at promoting personal autonomy among persons who do not value this or who value other things more.⁴⁶ This objection concerns sectarianism in the application of freedom of expression when justified on the basis of autonomy. If the preceding argument is valid, the epistemic aim of deliberative democracy depends on promoting some degree of personal autonomy among citizens, and free expression is a prime means to this end. This objection is also the most relevant objection in relation to the Danish cartoon controversy during which some defended the cartoons with reference to the aim of provoking critical self-reflection among Muslims.

How can we respond to this objection? Should we abandon the deliberative ideal and morally condemn or even legally prohibit speech promoting personal autonomy among persons who do not see critical reflection as part of their conception of the good? One problem with this solution is that it would undermine the very precondition of securing the mutual respect that is the reason for the condemnation or prohibition. If the aim is laws that secure equal treatment for everyone as well as a public culture of mutual respect among people committed to different cultures, then we cannot dispense with the conditions that are necessary to create them. And these conditions are ones that promote public deliberation in which everyone is willing to consider not only what is good for her or him individually but also what is good for others, which requires critical reflection or a degree of personal autonomy.

Consider further the fact that the Muslims who felt disrespected in the cartoon case demanded that the members of the majority culture step back from their own culture and consider how the case looks from the Muslim perspective. The only way non-Muslim Danes can understand that Muslims feel hurt is by role-taking, which requires that they step back from their own limited worldview and consider the cartoons from the perspective of a devout Muslim. If Muslims can demand such role-taking from members of the majority culture, however, then a principle of reciprocity requires that they themselves must also be willing to step back from their own culture. Both sides must abstract from their own culture to the extent required for determining what is equally good for all and in order to establish a public culture of mutual respect. If people with different cultures are to live together on equal and respectful terms, there is no way around the obligation to determine these terms in common – and self-reflection and personal autonomy is a precondition for this. Note that this conclusion does not require that one comes to value autonomy as a fundamental human good, but only that one accepts that it is a prerequisite for living in a just and respectful society.

Is the implication of the preceding argument that there should be no (legal and moral) constraints on how people speak to one another? Does it for example mean that the Muhammad cartoons were a perfectly legitimate form of expression because they contribute to self-reflection among its addressees? This conclusion would only be warranted if one held that self-reflection is an end in itself, whereas I have argued that deliberative democracy is not committed to personal autonomy as a fundamental human good. Rather, the aim is to determine what is equally good for all and exercise moral autonomy in common. Self-reflection is only valuable from the deliberative perspective if it leads to mutual learning processes about the common good. Moreover, we must remember the epistemological argument, according to which moral insight only develops in communication among 'diverse but mutually respectful human beings'. The epistemic aim of deliberation is thus served not by any and all attempts at provoking self-reflection but requires mutual respect. Why is that? The key reason is that disrespectful speech might discourage the addressees from participating in public deliberation. Some forms of disrespectful expression might be 'conversation stoppers', because they aim at 'others as *targets* rather than potential conversation partners'.⁴⁷ Some forms of speech lead to fear, flight or fight rather than any learning process.⁴⁸ Thus, I suggest that public expression should be constrained by the ideal of not discouraging or disabling others from participating in public deliberation as equals.⁴⁹

However, this should only be a moral constraint, not a legal constraint. Recall the suggestion that respect is both a prerequisite for and an outcome of public deliberation. When we see public deliberation as a learning process, as the epistemological argument requires, we must await the process to have justifiable beliefs about what is right and wrong. Nevertheless, we are never without some guidelines. There has been public deliberation before in history, and the other cultures and religions present in society are seldom completely foreign to us. We should therefore have the minimum understanding of respect that is necessary for deliberation to result in a fuller and shared understanding of the norm. Still, some trial and error is unavoidable. People will express themselves in ways that they did not think were disrespectful, or at least not so hostile as to make the addressee flee or fight. Making errors is part of learning processes, and legally prohibiting the former might be at the cost of undermining the latter. Of course, one can learn also from laws against e.g. hate speech;⁵⁰ however, legal limits on speech also cause people to limit themselves in ways that can keep certain ideas from being expressed and would thus pre-empt learning processes. Legally enforced respect will also tend to freeze a certain understanding of respect into law, and this conception of respect will most likely not be a universally shared conception but instead 'express the mores of dominant groups'.⁵¹ Thus, if we see respect not as a principle with a fully determined content but as something that must be continually reinterpreted and justified by members of all cultures in public deliberation, then legal constraints aiming to secure respectful public deliberation can be counterproductive.

Constraints on public expression should ideally be products of learning processes and self-imposed – and not legally imposed or products of fear. Everyone ought to express him- or herself in ways that he or she, following his or her best judgement, believes does not discourage others from participating in public deliberation. The latter constraint might, however, lead to timidity and so much fear of offending others that important issues are not discussed, and particularly in a society in which people from different cultural or religious backgrounds tend to misunderstand and distrust each other this can be inhibiting for public deliberation and its epistemic aims. Under such conditions, it is essential that citizens also give each other some leeway for making errors and do not take any mistake or small provocation as a sign of disrespect. The condition for this is that people generally regard each other as being committed both to common deliberation and to promoting the degree of self-reflection required for living together on equal terms. If what we might refer to as an overall public culture of mutual respect exists, then minor instances of disrespectful expression should be tolerated. The aim of creating a public culture of mutual respect imposes obligations on both speakers and listeners. Listeners (or viewers) can only be expected to give speakers some leeway for making errors if they have reason to think that the latter were actually attempting to promote common deliberation and mutual respect. Conversely, listeners must give speakers reason to think that they, in general, are committed to participating in common learning processes, to speaking and listening as equals, and not merely interested in creating antagonism with speakers.

How do we judge the Muhammad cartoons based on these guidelines? From the perspective of the epistemological argument, one could ask whether the cartoons in fact led to learning processes. However, it seems too restrictive to condemn expression that does not promote learning. Here again there should be room for trial and error. Besides, it is extremely difficult to judge the long-term effects of the cartoons; and should we be considering long- or short-term effects? I find it more promising to consider the justification behind the publication of the cartoons. Was *Jyllands-Posten* interested in promoting not just self-reflection but also common deliberation with Danish Muslims? Did the editors consider whether the cartoons would be regarded as disrespectful? Was the newspaper and those who later defended it not just interested in teaching but also in learning from others? Were they interested in determining and justifying what it means to live on equal and respectful terms with Danish Muslims, in common with the latter? If the answer to these questions is ‘No’ (and elsewhere I have given evidence that this is the case),⁵² I think there are reasons to morally condemn the publication of the cartoons. However, we must also consider whether the addressees fulfilled their obligations. The addressees also have a moral obligation to attempt to consider the case from the perspective of the other and not merely to consider how it looks from his or her cultural or religious perspective. They must open themselves up to the degree of self-reflection and role-taking that is necessary for living on respectful and equal terms with others who have fundamentally different commitments than they do. On that score, there are surely examples of Muslims who failed to fulfil their moral obligations.

Conclusion

Deliberative democracy *is* an autonomy-based theory and practice but this article has argued that it is so in a way that is not untenably sectarian. The focus has been on sectarianism in the justification and application of freedom of expression based on the principle of autonomy. The argued-for connection between freedom of expression, public deliberation, and autonomy does not depend on a sectarian conception of the good life, but rather on the conditions of respectful public expression and of reaching decisions that aim to be justifiable to all. Promoting some degree of personal autonomy has been defended as instrumentally necessary for the epistemic aims of public deliberation, not as good in itself. If some members of society reject the promotion of personal autonomy entirely then they cannot without contradiction simultaneously demand respect for their differences, for respect for difference depends on some degree of self-reflection and role-taking. If they reject political autonomy or participating in its exercise, then they are dependent on others' understanding of what it means to treat them as equals without their input.

The Danish cartoon controversy was considered as a possible example of the alleged conflict between autonomy and respect for diversity. It was suggested that the cartoons can be seen as exemplifying a conflict between autonomy and diversity if they aimed to provoke self-reflection as an end in itself rather than at promoting democratic deliberation and mutual respect. This, however, does not demonstrate a necessary conflict between autonomy and diversity, for one can be committed to promoting personal autonomy as a prerequisite for the common exercise of moral and political autonomy, which again is necessary for establishing what equal respect means and implies in particular cases. In the latter case, autonomy is also regarded as part of the justification for freedom of expression but the different aim implies constraints on how one expresses oneself in public. It requires that one expresses oneself in ways that show that one is open to listen to and learn from others, who on their side must also accept the obligation to participate in common deliberation and stand back from their own particular commitments to the extent required for understanding the difference between what is good for me and mine and what can be justified to everybody given their differences.

Notes

1. Anders Jerichow and Mille Rode (eds) (n.d.) *Profet-affæren: Et PEN-dossier om 12 Muhammed-tegninger – og hvad der siden hændte* (The Prophet Affair: A PEN Dossier about 12 Muhammad Cartoons – and What Happened Later), pp. 35–6. Copenhagen: Dansk PEN.
2. Cf. Edwin C. Baker (1989) *Human Liberty and Freedom of Speech*, pp. 28ff. Oxford: Oxford University Press.
3. Ronald Dworkin (1985) *A Matter of Principle*, pp. 61ff. Oxford: Clarendon Press. (1996) *Freedom's Law: The Moral Reading of the American Constitution*, p. 203. Cambridge, MA: Harvard University Press.

4. James Weinstein (2001) 'Hate Speech, Viewpoint Neutrality, and the American Concept of Democracy', in T. R. Hensley (ed.) *The Boundaries of Freedom of Expression and Order in American Democracy*, p. 147. Kent, OH: Kent State University Press.
5. See Hannah Arendt (1990) *On Revolution*, p. 164. Harmondsworth: Penguin Books. Robert Post (1995) *Constitutional Domains: Democracy, Community, Management*, pp. 6–7. Cambridge, MA: Harvard University Press. (2007) 'Religion and Freedom of Speech: Portraits of Muhammad', *Constellations* 14: 72–90, p. 74.
6. Alexander Meiklejohn (1965) *Political Freedom: The Constitutional Powers of the People*, pp. 10–12. New York: Oxford University Press.
7. Christian F. Rostbøll (2005) 'Preferences and Paternalism: On Freedom and Deliberative Democracy', *Political Theory* 33: 370–96, pp. 389–90.
8. Cass R. Sunstein (1995) *Democracy and the Problem of Free Speech*, p. 21. New York: Free Press.
9. Owen Fiss (1996) *The Irony of Free Speech*, p. 41. Cambridge, MA: Harvard University Press. To be sure, ensuring fullness and richness of debate for the sake of learning does not always mean keeping the state from interfering with speech, as is clear in Fiss and Sunstein, but government restrictions of speech based on the viewpoint expressed is a distortion of public debate that undermines its fullness. Ibid. pp. 41–2, and see Sunstein (n. 8), pp. 12, 167ff;
10. Fiss (n. 9), p. 48.
11. On the idea of internal autonomy, see Christian F. Rostbøll (2008) *Deliberative Freedom: Deliberative Democracy as Critical Theory*. Albany, NY: SUNY Press.
12. Cf. Joshua Cohen (1997) 'Deliberation and Democratic Legitimacy', in J. Bohman and W. Rehg (eds) *Deliberative Democracy: Essays on Reason and Politics*, pp. 82ff. Cambridge, MA: MIT Press.
13. My argument does not exclude the possibility that there are other ways of showing an internal relationship between democracy and freedom of expression.
14. Rostbøll (n. 11).
15. Cf. Bernard Manin (1987) 'On Legitimacy and Political Deliberation', *Political Theory* 15: 338–68, pp. 351–2.
16. John Rawls (1993) *Political Liberalism*. New York: Columbia University Press. Charles Larmore (2008) *The Autonomy of Morality*, ch. 6. New York: Cambridge University Press.
17. William A. Galston (1995) 'Two Concepts of Liberalism', *Ethics* 105: 516–34, p. 526.
18. Chandran Kukathas (1995) 'Are There Any Cultural Rights?' in W. Kymlicka (ed.) *The Rights of Minority Cultures*, p. 242. New York: Oxford University Press.
19. Galston (n. 17), p. 526.
20. Joshua Cohen (1993) 'Freedom of Expression', *Philosophy and Public Affairs* 22: 207–63, p. 221–2.
21. For an account of the use of Enlightenment values in the Danish debate, see Christian F. Rostbøll (2009) 'Autonomy, Respect, and Arrogance in the Danish Cartoon Controversy', *Political Theory* 37: 623–648. (2010a) 'Respekt og arrogance under karikaturkrisen: Et Kantiansk bidrag' (Respect and Arrogance in the Cartoon Controversy: A Kantian Contribution), in K. Lippert-Rasmussen and N. Holtug (eds) *Kulturel diversitet: Muligheder og begrænsninger* (Cultural Diversity: Possibilities and Constraints). Odense: University Press of Southern Denmark.
22. Cohen (n. 12), p. 76.

23. Jürgen Habermas (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, p. 153, trans. W. Rehg. Cambridge: Polity Press. (1994) 'Three Normative Models of Democracy', *Constellations* 1: 1–10, p. 5. Note that I am not claiming that the common good is an unproblematic or determinate idea, but only that in a deliberative democracy citizens are guided by the regulative ideal of finding decisions that promote everyone's legitimate ends rather than being sectarian and promoting only the ends of one group. The crucial point for my argument is that citizens have this *aim* in their common deliberations.
24. Jeremy Waldron (2005) 'Moral Autonomy and Personal Autonomy', in J. Christman and J. Anderson (eds) *Autonomy and the Challenges to Liberalism: New Essays*, p. 307. Cambridge: Cambridge University Press.
25. I take it that the dialogical understanding of practical reason endorsed by deliberative democrats such as Habermas means that moral autonomy must be exercised in common. See Habermas (1994, in n. 23), pp. 1–9.
26. Gerald F. Gaus (2005) 'The Place of Autonomy within Liberalism', in J. Christman and J. Anderson (eds) *Autonomy and the Challenges to Liberalism: New Essays*, pp. 297–9. Cambridge: Cambridge University Press.
27. *Ibid.* p. 297.
28. Jürgen Habermas (1998) 'Reconciliation through the Public Use of Reason', in his *The Inclusion of the Other: Studies in Political Theory*, p. 58. Cambridge, MA: MIT Press.
29. I do not mean to equate political autonomy and moral autonomy exercised in common and added the force of positive law. Political decisions cannot be reduced to moral questions. However, political decisions must not violate norms that have been discursively justified as in the equal interest of all. I stress the idea of moral autonomy and its relation to personal autonomy in order to highlight and clarify how political autonomy (including the collective exercise of moral autonomy) presupposes a minimal degree of personal autonomy. Citizens lacking the ability for self-reflection and role-taking cannot be expected to exercise their political autonomy in a way that respects moral norms.
30. William A. Galston (2002) *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, pp. 119–20. Cambridge: Cambridge University Press.
31. William A. Galston (1999) 'Diversity, Toleration, and Deliberative Democracy: Religious Minorities and Public Schooling', in S. Macedo (ed.) *Deliberative Politics: Essays on Democracy and Disagreement*, pp. 40–1. New York: Oxford University Press.
32. Flemming Rose (2006) 'Why I Published Those Cartoons', *Washington Post*, 19. Feb.
33. Karen Jespersen and Ralf Pittelkow (2006) *Islamister og naivister: Et anklageskrift* (Islamists and Naivists: An Indictment), p. 25, my trans. Copenhagen: People's Press. The authors of this book are, respectively, a former member of the Danish government and a commentator at Jyllands-Posten.
34. On Rasmussen's refusal to meet the ambassadors, see Klaus and Michael Rothstein (2006) *Bomben i turbanen* (The Bomb in the Turban), pp. 32ff. Copenhagen: Tiderne Skifter.
35. Quoted from Pernille Ammitzbøll and Vidino Lorenzo (2007) 'After the Danish Cartoon Controversy', *Middle East Quarterly* 12: 3–11.
36. Some commentators did see respect as irrelevant or at least as less important than freedom of expression; I am engaging only part of the debate.
37. As Seyla Benhabib writes, 'We may all claim that we respect one another, but we cannot know what such respect requires or entails in the face of deep cultural conflicts.'

- See (2002) *Claims of Culture: Equality and Diversity in the Global Era*, p. 12. Princeton: Princeton University Press. And as Anna Elisabetta Galeotti notes: 'Universalists who do not acknowledge the implications of the application of their principles can be both particularistic and dogmatic: particularistic because their views embody particular interpretations, and dogmatic because obscuring such interpretations places them beyond critical scrutiny.' See (2007) 'Relativism, Universalism, and Applied Ethics: The Case of Female Circumcision', *Constellations* 14: 91–111, p. 106. See also Christian F. Rostbøll (2010b) 'The Use and Abuse of 'Universal Values' in the Danish Cartoon Controversy', *European Political Science Review* 2: 401–422.
38. Thomas E. Hill, Jr. (2000) *Respect, Pluralism, and Justice: Kantian Perspectives*, p. 84. New York: Oxford University Press.
 39. See also Seyla Benhabib (1996) 'Toward a Deliberative Model of Democratic Legitimacy', in S. Benhabib (ed.) *Democracy and Difference: Contesting the Boundaries of the Political*, p. 79. Princeton: Princeton University Press. (2004) *The Rights of Others: Residents, Aliens, and Citizens*, p. 13. Cambridge: Cambridge University Press.
 40. For this point I am indebted to Simon Thompson, see his (2009) 'On the Circularity of Democratic Justice', *Philosophy and Social Criticism* 35: 1079–1098.
 41. See Rostbøll (2009 and 2010a, both in n. 21) and (forthcoming) 'Kantian Autonomy and Political Liberalism', *Social Theory and Practice*.
 42. Cf. Hill (n. 38), pp. 79, 83.
 43. Rostbøll (n. 11), pp. 146, 192, 205.
 44. Habermas makes a similar point in relation to feminism: 'The individual rights that are supposed to guarantee women the autonomy to shape their private lives cannot even be appropriately formulated unless those affected articulate and justify in public discussion what is relevant to equal and unequal treatment in typical cases. Safeguarding private autonomy of citizens with equal rights must go hand in hand with activating their autonomy as citizens of the nation.' See (1994) 'Struggles for Recognition in the Democratic Constitutional State', in A. Gutmann (ed.) *Multiculturalism*, pp. 27–8. Princeton: Princeton University Press.
 45. John Rawls (1999) *A Theory of Justice*, 2nd edn, pp. 27–8. Cambridge, MA: Harvard University Press.
 46. I think Anne Phillips is right to insist that while cultures value autonomy in different degrees, no one rejects the norm entirely. See (2007) *Multiculturalism without Culture*, p. 104. Princeton: Princeton University Press.
 47. Mark E. Warren (2006) 'What Should and Should Not be Said: Deliberating Sensitive Issues', *Journal of Social Philosophy* 37: 163–81, pp. 164–5.
 48. See Mari J. Matsuda (1993) 'Public Response to Racist Speech: Considering the Victim's Story', in M. J. Matsuda, C. R. Lawrence III, R. Delgado, and K. W. Crenshaw (eds) *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, pp. 17–51. Boulder, CO: Westview Press.
 49. Cf. Christian F. Rostbøll (2007) 'Ytringsfrihed, respekt og ansvar' (Freedom of Expression, Respect, and Responsibility), *Tidsskriftet Politik* 10: 76–85, p. 81.
 50. Matsuda (n. 48), p. 18.
 51. Post (2007, in n. 5), p. 81.
 52. See Rostbøll (2009 and 2010a, both in n. 21).